



Directive

Confiscation of Ammunition, Self-Defense Spray, or Stun Gun

Directive #:

1041.002

Initiating Unit:

Uniformed Services Bureau

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Authority and Coverage

The Chief of Police serves as the chief executive officer of the United States Capitol Police (USCP) and is responsible for the day-to-day operation and administration of the USCP.

This policy may be revised at the discretion of the Chief of Police, consistent with applicable law, rule, and regulation.

Definition(s)

Ammunition. Cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device (D.C. Code § 7-2501.01 [2]).

Self-Defense Spray. A mixture of lacrimator (tear-producing substance) including chloroacetophenone, alphachloracetophenone, phenylchloromethylketone,

orthochlorobenazalm-alononitrile, or oleoresin capsicum.

Stun Gun. Any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock.

General Policy

This Policy Directive provides uniform procedures for the confiscation of ammunition and procedures for handling the discovery of self-defense sprays and stun guns.

The discovery of ammunition in an individual's possession does not require that an arrest be made in all instances. An employee may confiscate the ammunition and not arrest the possessor, but only when all three of the following conditions are present in a given incident:

1. The ammunition is discovered during a routine administrative inspection conducted at buildings within the Capitol Complex;
2. No criminal intent is detected; and
3. The individual willingly surrenders the ammunition for confiscation and destruction.

When any one of these three conditions is absent, the individual(s) unlawfully possessing ammunition is to be arrested, and the ammunition processed as evidence.

D.C. Code § 7-2502.13 allows any person, regardless of age, to possess and use self-defense spray without registration. Individuals are permitted to enter congressional office buildings with self-defense sprays; however, individuals are not permitted to enter the U.S. Capitol Building/Visitor Center with self-

1 defense sprays. In these situations, the individual will
 2 be offered the opportunity to turn the self-defense
 3 spray over as contraband for destruction, or will be
 4 denied entry to the building.

5 D.C. Code § 7-2502.15 states a person 18 years of
 6 age or older may purchase or possess a stun gun. All
 7 persons possessing a stun gun may only use the
 8 weapon in the exercise of reasonable force in defense
 9 of person or property. Any person under 18 years of
 10 age may briefly possess a stun gun for self-defense in
 11 response to an immediate threat of harm.

12 Stun guns are prohibited from all buildings within the
 13 Capitol Complex. If a sworn employee encounters a
 14 stun gun at a building entrance, the individual shall be
 15 offered the opportunity to turn the stun gun over as
 16 contraband for destruction, or will be denied entry into
 17 the building.

18 Responsibilities/Procedures

19 Sworn Employee

- 20 1. When ammunition is discovered in an individual's
 21 possession at a building screening location and
 22 there is no apparent intent to use the ammunition
 23 in an unlawful manner, and the individual is not
 24 unlawfully in possession of a firearm, proceed as
 25 follows:
- 26 a. Determine whether the individual is lawfully
 27 entitled to possess the items by:
- 28 i. Possession of a current registration
 29 certificate issued by the D.C. Government
 30 in accordance with D.C. Code
 31 § 7-2502.01: An individual who possesses
 32 a D.C. firearms registration certificate is
 33 allowed to possess ammunition in
 34 accordance with D.C. Code § 7-2502.01.
 35 Ammunition is prohibited within buildings
 36 within the Capitol Complex. In these
 37 situations, the individual will be denied
 38 entry with the ammunition, or offered the
 39 opportunity to turn the ammunition over as
 40 contraband for destruction. When the
 41 ammunition is turned over for destruction,
 42 a CP-103A, Receipt for Contraband for
 43 Destruction, will be completed prior to
 44 allowing the individual access.

- ii. Specific authorization by law and Policy
 Directive 1041.001, "Admittance of Law
 Enforcement Officers/Agents with
 Firearms into the Capitol Buildings," and
 Standard Operating Procedure (SOP)
 AC-000-61, "Admittance of Law
 Enforcement Officers (LEOs)/Agents with
 Firearms into the Capitol Buildings."

- b. If the individual is not lawfully in possession of
 the ammunition and there is no indication of
 criminal intent, sworn employees will:

- i. Conduct a stop of the individual.
- ii. Read the statement in Appendix A to the
 individual.
- iii. If the individual refuses to surrender the
 ammunition, place the individual under
 arrest and follow standard arrest
 procedures. The charge for unlawful
 possession of ammunition is "Possession
 of Ammunition."
- iv. If the individual surrenders the
 ammunition, continue detaining the
 individual and conduct Washington Area
 Law Enforcement System (WALES)/
 National Crime Information Center (NCIC)
 checks through Communications on the
 individual.
 - a) If a WALES/NCIC hit is received,
 follow normal arrest procedures with
 the additional charge of "Possession
 Ammunition," as appropriate.
 - b) If there is no WALES/NCIC hit and the
 individual has been cooperative, an
 arrest is not required.
- v. Issue the individual the blue copy of a
 CP-103A for the ammunition, and retain
 the original copy of the CP-103A.
- vi. Retain possession of the ammunition and
 allow the individual to proceed through
 screening.
- vii. Submit the original copy of the CP-103A,
 along with a completed PD-81, Property

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|----|------------------------------------------------------|----|----------------------------------------------------|
| 1 | Record, and the ammunition, to the | 41 | PD-81 and the stun gun, to the |
| 2 | Division office. | 42 | Division office. |
| 3 | 2. When self-defense spray is discovered in an | 43 | ii. Deny the individual entry into the building |
| 4 | individual's possession at a building screening | 44 | and allow them to leave the area with the |
| 5 | location, proceed as follows: | 45 | stun gun. |
| 6 | a. If the individual is attempting to enter the U.S. | 46 | b. If the individual is under the age of 18 years |
| 7 | Capitol Building/Visitor Center, offer the | 47 | old, they cannot possess the stun gun, and the |
| 8 | individual the opportunity to turn the self- | 48 | item will be confiscated following the above |
| 9 | defense spray over as contraband for | 49 | procedures. |
| 10 | destruction. | | |
| 11 | i. Issue the individual the blue copy of a | 50 | Administrative Sergeant |
| 12 | CP-103A for the self-defense spray. | 51 | 1. Ensure a Capitol File Number (CFN) is obtained. |
| 13 | Retain the original copy of the CP-103A. | 52 | Only one CFN is obtained for all confiscated items |
| 14 | ii. Retain possession of the self-defense | 53 | each calendar day. |
| 15 | spray. | 54 | 2. Assign a page number in the Division Property |
| 16 | iii. Submit the original copy of the CP-103A, | 55 | Book for confiscated items. Only one entry must |
| 17 | along with a completed PD-81 and the | 56 | be used for all confiscated items each calendar |
| 18 | self-defense spray, to the Division office. | 57 | day. |
| 19 | b. If the individual is attempting to enter the U.S. | 58 | 3. Ensure a PD-81 (and, if necessary, a PD-81A, |
| 20 | Capitol Building/Visitor Center and does not | 59 | Property Record Continuation) is prepared for |
| 21 | want to surrender the self-defense spray as | 60 | each confiscated item. |
| 22 | contraband for destruction, deny the individual | 61 | 4. Forward the original CP-103A and a copy of the |
| 23 | entry into the building. | 62 | PD-81/81A to the Reports Processing Section. |
| 24 | c. If the individual is attempting to enter any of | 63 | 5. Deliver the following to Crime Scene Search, |
| 25 | the congressional office buildings, allow them | 64 | located in the USCP Headquarters Building: |
| 26 | entry with the self-defense spray after clearing | 65 | a. The original and two copies of the PD-81/81A; |
| 27 | the administrative search. | 66 | b. Three copies of the CP-103A; and |
| 28 | 3. When a stun gun is discovered in an individual's | 67 | c. The confiscated items (attached with a tag or |
| 29 | possession at a building screening location, | 68 | placed in an envelope). Clearly print on the tag |
| 30 | proceed as follows: | 69 | or envelope: |
| 31 | a. If the individual is 18 years of age or older: | 70 | i. The CFN; |
| 32 | i. Offer the individual the opportunity to turn | 71 | ii. A brief description of the items; |
| 33 | the stun gun over as contraband for | 72 | iii. The Division Property Book and page |
| 34 | destruction. | 73 | number; and |
| 35 | a) Issue the individual the blue copy of a | 74 | iv. The words "Contraband Confiscated for |
| 36 | CP-103A for the stun gun, and retain | 75 | Destruction." |
| 37 | the original copy of the CP-103A. | | |
| 38 | b) Retain possession of the stun gun. | | |
| 39 | c) Submit the original copy of the | | |
| 40 | CP-103A, along with a completed | | |

Additional Information

1. In the event of an arrest for “Possession of Ammunition,” it is not necessary to articulate abusive behavior or a suspicion of criminal intent to establish grounds for the arrest. The mere possession of the prohibited item is, in and of itself, a criminal offense.
2. The following publications should be referenced in conjunction with this Policy Directive:
 - a. USCP Policy Directive 1040.002, “Security Screening.”
 - b. USCP Policy Directive 1041.001, “Admittance of Law Enforcement Officers/Agents with Firearms into the Capitol Buildings.”
 - c. SOP AC-000-61, “Admittance of Law Enforcement Officers (LEOs)/Agents with Firearms into the Capitol Buildings.”

Cancellation

This Policy Directive cancels Policy Directive 1041.002, “Confiscation of Ammunition or Stun Gun,” issued April 22, 2013, and SOP AC-000-64, “Confiscation of Ammunition or Stun Gun,” issued April 22, 2013, and supersedes and replaces any related Department publication consistent with applicable law, rule, or regulation.



Steven A. Sund
Chief of Police

1 Appendix A:

2 Statement to Individuals Possessing Ammunition

3 "The item(s) which has been discovered in your possession is classified as ammunition under section 7-2506.01 of
4 the District of Columbia Code. You may not lawfully possess such an item(s) within the District of Columbia. The mere
5 possession of such an item(s) is a misdemeanor criminal offense under section 7-2507.06 of the District of Columbia
6 Code, the maximum penalty for which is imprisonment for not more than one year, a \$1,000 fine, or both.

7 "If you elect to voluntarily surrender this item(s) to me at this time and I am able to determine that you have no
8 outstanding arrest warrants pending, no criminal charges will be brought against you. After providing me with some
9 basic and necessary personal information, you will be free to go on your way. This item(s) will be destroyed as
10 contraband, as required by the D.C. Code. However, if you do not elect to surrender this item(s) to me at this time,
11 you will be placed under arrest and charged with "Possession of Ammunition." In addition, this item(s) will be held as
12 evidence and then destroyed upon conclusion of your criminal prosecution for its possession. Do you wish to
13 surrender this ammunition to me?"